



Tucson Community Cable Corporation

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December 17, 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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FCC - MAIL ROOM

Channel 49

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

RE: Indecent Programming and Other Types
of Materials on Cable Access Channels

92-258

Channel 51

Dear Ms. Searcy:

Enclosed are one original and nine copies of Tucson
Community Cable Corporation's Reply Comments in the above
referenced proceeding.

Channel 62

Sincerely,

SB

Sam Behrend
Executive Director

Channel 64

Enclosure

1041 FM

The Tucson
Community Cable
Corporation is an
independent, non-
profit community
organization.
TCCC is not an
agent or affiliate
of Tucson Cable-
Vision or the City
of Tucson. TCCC
is an equal em-
ployment oppor-
tunity employer.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of

Implementation of Section 10)
of the Cable Television)
Consumer Protection and)
Competition Act of 1992)

MM Docket No. 92-258

Indecent Programming and)
Other Types of Materials)
on Cable Access Channels)

FCC - MAIL ROOM

REPLY COMMENTS OF
TUCSON COMMUNITY CABLE CORPORATION

The comments filed by the cable industry in this proceeding indicate that, if cable companies are given broad authority to implement the regulations adopted by the FCC pertaining to programming on access channels, many of them will exercise it broadly, even if the result is to prevent the use of access channels altogether.

Such a result cannot possibly be reconciled with the basic purposes of the Cable Act, which included promoting diversity. As a result, Tucson Community Cable Corporation urges the Commission to reject any proposal that would leave the operator with broad discretion to ban programming on access channels. Instead, as urged by the Alliance for Community Media and others, the FCC must adopt rules that carefully and narrowly define the

circumstances under which access programming can be banned.

There are several good reasons why this is so (aside from the constitutional and statutory reasons identified in the comments filed by the Alliance for Community Media).

Several operators have suggested that, if they are given the broad authority to review PEG access programming for content, the result will be increased expense and delay in cablecasting programming. In 1991, 15,432 hours of access programs were cablecast by Tucson Community Cable Corporation and a similar number will be cablecast this year. If all programs were required to be pre-screened, the additional cost required to pre-screen could make access unaffordable. Many programs are cablecast live (live programs are the most efficient and least costly method of providing access and they provide for interaction between the speaker and the subscriber or viewer) and pertain to timely and newsworthy events of immediate concern to the community. A two-week delay to have these programs reviewed for content, as has been suggested by several operators, would render the programs entirely valueless. The additional costs to videotape, package and ship for pre-screening, then receive, unpack

and prepare the program for cablecast would require access centers to take on new tasks without compensation.

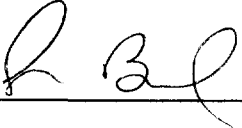
Some operators have suggested that, if they are given broad authority, they will require access centers themselves to make certifications to the content of programming and to provide immunity and insurance coverage to the operator. However, access center budgets are often fixed as a result of contracts with operators and/or cities, which specify what the access organization can and cannot do. Allowing operators to impose new obligations on access centers is not required by the amendments to the Cable Act. Tucson Community Cable Corporation operates under contract to the City of Tucson with fixed annual revenue. Pre-screening, certification, indemnification and additional insurance coverage would require Tucson Community Cable Corporation and other access centers to take on new tasks without compensation. There is no reason to allow operators to so interfere with access operations, established and operating by mutual agreement.

Several operators have suggested they wish to use the FCC's rules to require producers to provide insurance, indemnification and in some cases, bonds. The very purpose of access is to allow those who have not historically had access to the media to have a voice

using access. Many access speakers do not have the means to afford insurance or bonds and would be denied the opportunity to speak. Not only would this interfere with speech, the industry has not shown it is necessary to do so.

Several operators have suggested they want to use the FCC's rules to have the broad authority to permanently prohibit all use of access channels by an individual speaker or by the access center (denying all speaker access to the channels) if in their judgement a program is cablecast that violates their policy. This could result in the total and permanent elimination of access in a community.

For reasons stated above, the Commission should reject proposals by the cable industry that cable companies be granted broad authority to censor PEG programming, and adopt proposals made by the Alliance for Community Media.



Sam Behrend, Executive Director
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December 17, 1992